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December 8, 2004

BY ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 02-55
Ex Parte Presentation

Dear Ms. Dortch:

On December 7, 2004, Lawrence R. Krevor, Geoff Stearn, Sandy Edwards, and James Goldstein, Nextel Communications, Inc. ("Nextel"), and the undersigned, counsel to Nextel, met with Michael Wilhelm, Chief of the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau, to discuss the concerns detailed in Nextel's comments (filed on December 2, 2004 in the above-referenced proceeding), Nextel's Opposition to the motion for partial stay (filed on November 26, 2004 in the above-referenced proceeding), and the attached presentation. In particular, the Nextel representatives discussed the treatment of Enhanced Specialized Mobile Radio ("ESMR") and non-ESMR, EA and site-specific licensees under the *Report and Order* in the above-referenced proceeding and the need to ensure that high-site and low-site systems are separated to avoid harmful interference. Nextel also apprised the Bureau of the unusual recent spike in acquisitions of rural 800 MHz site-by-site licenses.

Pursuant to the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-captioned proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

Attachment

cc: Michael Wilhelm



800 MHz Report and Order Treatment of Non-Nextel ESMRs and EA Licensees and Harmful Impact on Nextel and Realignment

Presentation by Nextel Communications

WT Docket 02-55

December 7, 2004



NEXTEL

The Problem: Licensees are attempting to take advantage of reconfiguration for private gain

- Recent *ex parte* submissions have recommended that 800 MHz ESMR licensees should get to *choose* the portion of the 800 MHz band they would be licensed for post-realignment.
- Some suggest that *all* 800 MHz Economic Area (“EA”) licensees, not just built and operating ESMRs, should have this option, including retuning all non-EA site-by-site licensed channels as well.
- Non-EA licensees are making similar requests.
- While the requestors rationale is “equal treatment,” in reality these requests are attempts to force Nextel to purchase these systems.

AIRPEAK Communications and Airtel Wireless Services

AIRPEAK Communications and Airtel Wireless

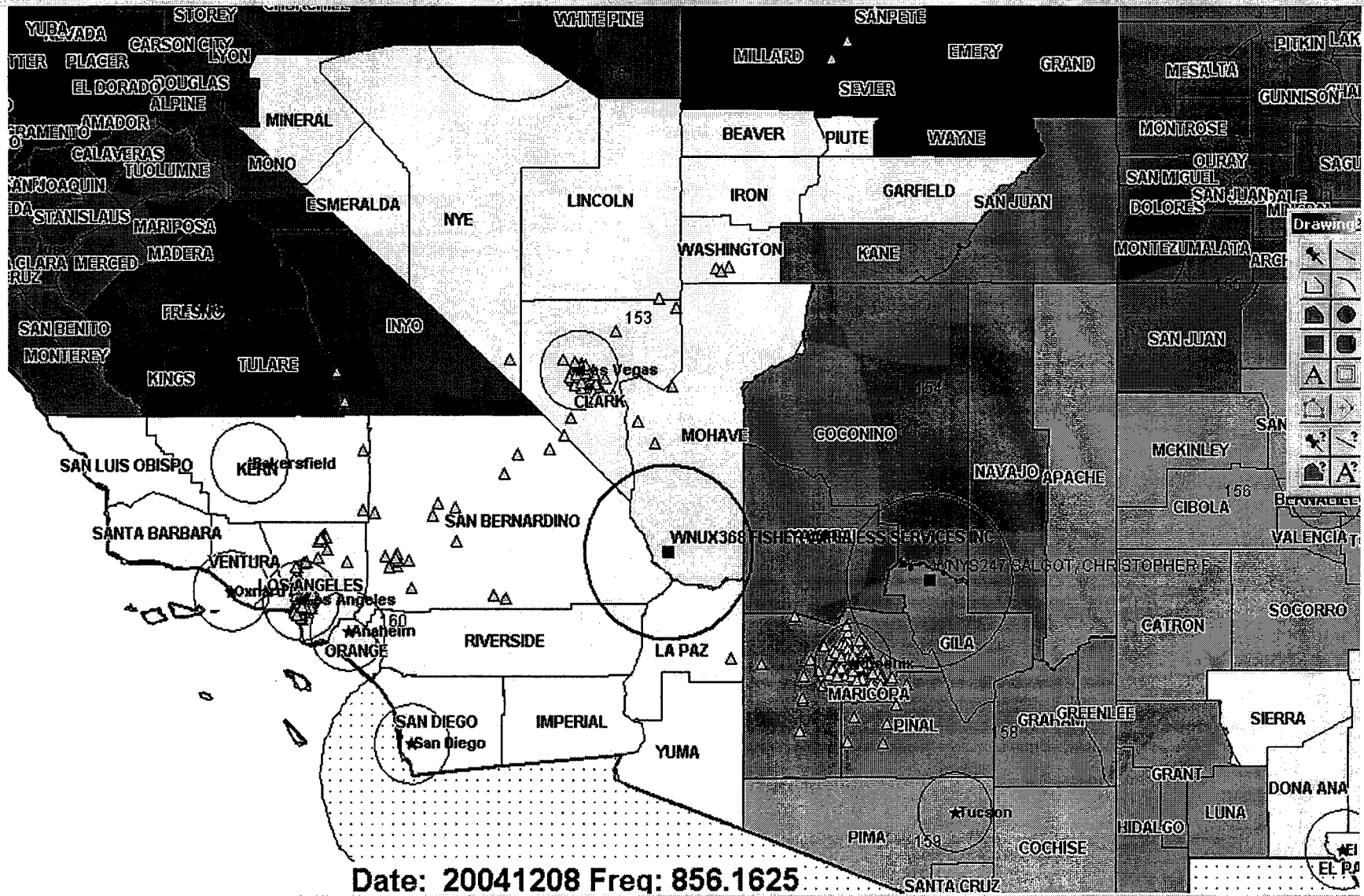
- Operate Motorola Harmony systems.
- Hold EA and site-specific channels.
- Mostly high-site deployment in rural areas and smaller markets.
- No showing that their deployments are really “cellular.”
 - Unknown how many sites each deploys in each market.
 - While some sites may be below 100 feet, most are not.
 - While some sites may use 20 channels, most do not.
- Deploying a low-site cellular network is not economical in their licensed markets.
- AIRPEAK is actively acquiring “site-specific” licenses outside of major markets but within larger EA boundaries; e.g., San Francisco and Las Vegas. Strategy is to claim that R&O permits them to “upgrade” these site licenses to the cellular channel block on an EA basis providing unencumbered clear spectrum in the core of these markets.
- Site-specific licenses should not be given same treatment as EA licenses.
- Licensees should be relocated to “comparable facilities” which could mean comparable pops or comparable territories.

AIRPEAK and Airtel Spectrum Position

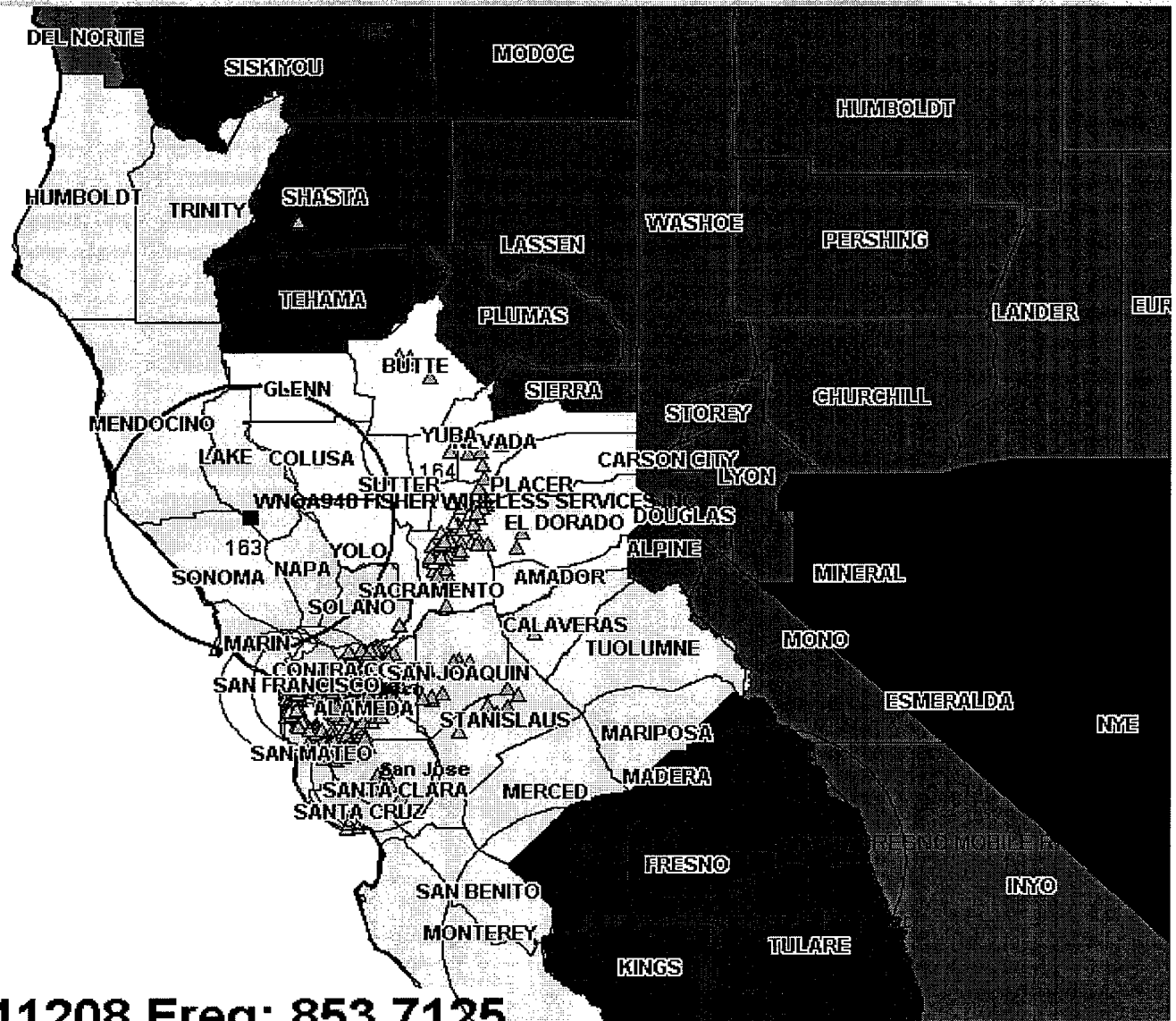
- Outcome of AIRPEAK argument: unsustainable, arbitrary result.
- Reno – Over 40% of Nextel's channels would be transferred to AIRPEAK
- Santa Fe – Over 35% of Nextel's channels would be transferred to AIRPEAK.
- Las Vegas and Sacramento – Over 20% of Nextel's spectrum would be transferred to AIRPEAK.

Market Code	Channel Block	Market Name	# of Channels in Block	# of Other Site-Licensed Frequencies Owned in EA Not in this Block	EA in which Border Region	Total Channels
BEA156	F, FF	Albuquerque, NM-AZ	50	0		50
BEA138	F, FF	Amarillo, TX-NM	50	0		50
BEA171	DD, E, EE, F	Anchorage, AK	100	0	6, 8	100
BEA157	D, DD, E	El Paso, TX-NM	6 to 75	0	M	75
BEA166	F	Eugene-Springfield, OR-CA	25	51		76
BEA155	FF	Farmington, NM-CO	25	0		25
BEA154	D, FF	Flagstaff, AZ-UT	50	0		50
BEA162	S	Fresno, CA	5	0		5
BEA136	FF	Hobbs, NM-TX	25	0		25
BEA148	E, EE	Idaho Falls, ID-WY	50	0		50
BEA153	D	Las Vegas, NV-AZ-UT	25	32		57
BEA168	E, F	Pendleton, OR-WA	50	5		55
BEA167	Q, R, T	Portland-Salem, OR-WA	15	0		15
BEA165	R	Redding, CA-OR	5	1		6
BEA151	E,K,L,P,Q,R,S T,U,V	Reno, NV-CA	70	43		113
BEA169	E, F	Richland-Kennewick-Pasco, WA	2 to 8 to 50	13	4, 7	63
BEA164	I, P, R	Sacramento-Yolo, CA	15	45		60
BEA163	S	San Francisco-Oakland-San Jose	5	1		6
BEA139	D, DD, F, FF	Santa Fe, NM	100	0		100
BEA147	D, DD, I, K, L, M, N	Spokane, WA-ID	1 to 31 to 75	0	4, 7	75
BEA094	D, FF	Springfield, MO	50	0		50
BEA144	I, J, K, L, T, U	Billings, MT-WY	0 to 30 to 30	54	4, 7	84
BEA145	D, F	Great Falls, MT	1 to 7 to 50	42	4, 7	92
BEA146	D, DD, E	Missoula, MT	2 to 11 to 75	0	4, 7	75

Map Showing Recent Acquisitions of AIRPEAK in Las Vegas



Map Showing Recent Acquisitions of AIRPEAK in San Francisco



Date: 20041208 Freq: 853.7125

Preferred Communications

- Preferred Communications is attempting to obtain a similar upgrade of its spectrum by taking its highly encumbered EA licenses and relocating them to the ESMR portion of the 800 MHz Band, free and clear of all incumbents.
- Attached maps show that over 80% of the population of the Washington, DC/Baltimore EA is covered by incumbent licensees. Preferred is attempting to trade-up from this spectrum position to wholly-clear spectrum in this EA.
- Incalculable harm to Nextel's operating network which serves over 14 million customers.

Washington, DC/Baltimore EA013, Block D (851.0375 MHz)

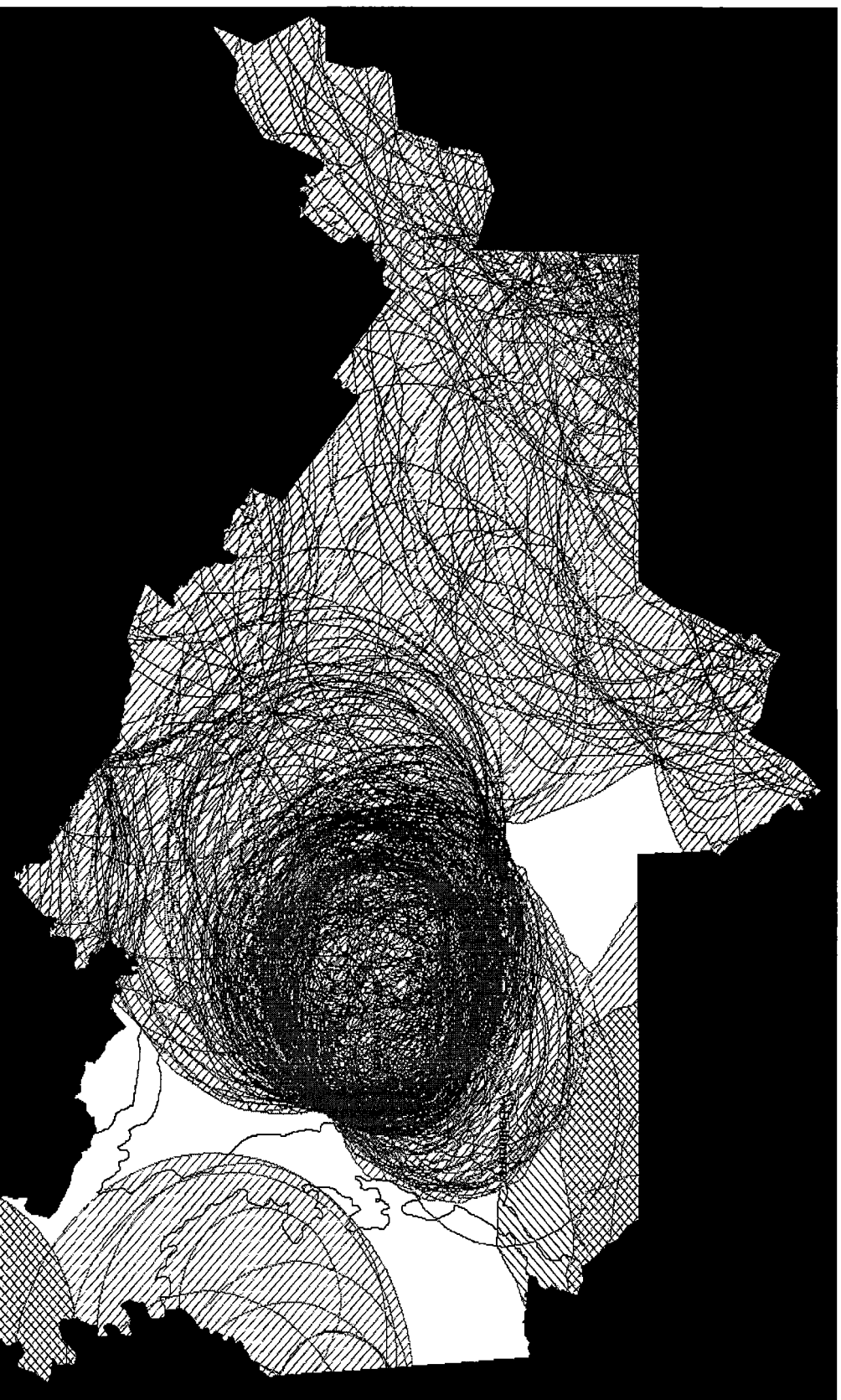


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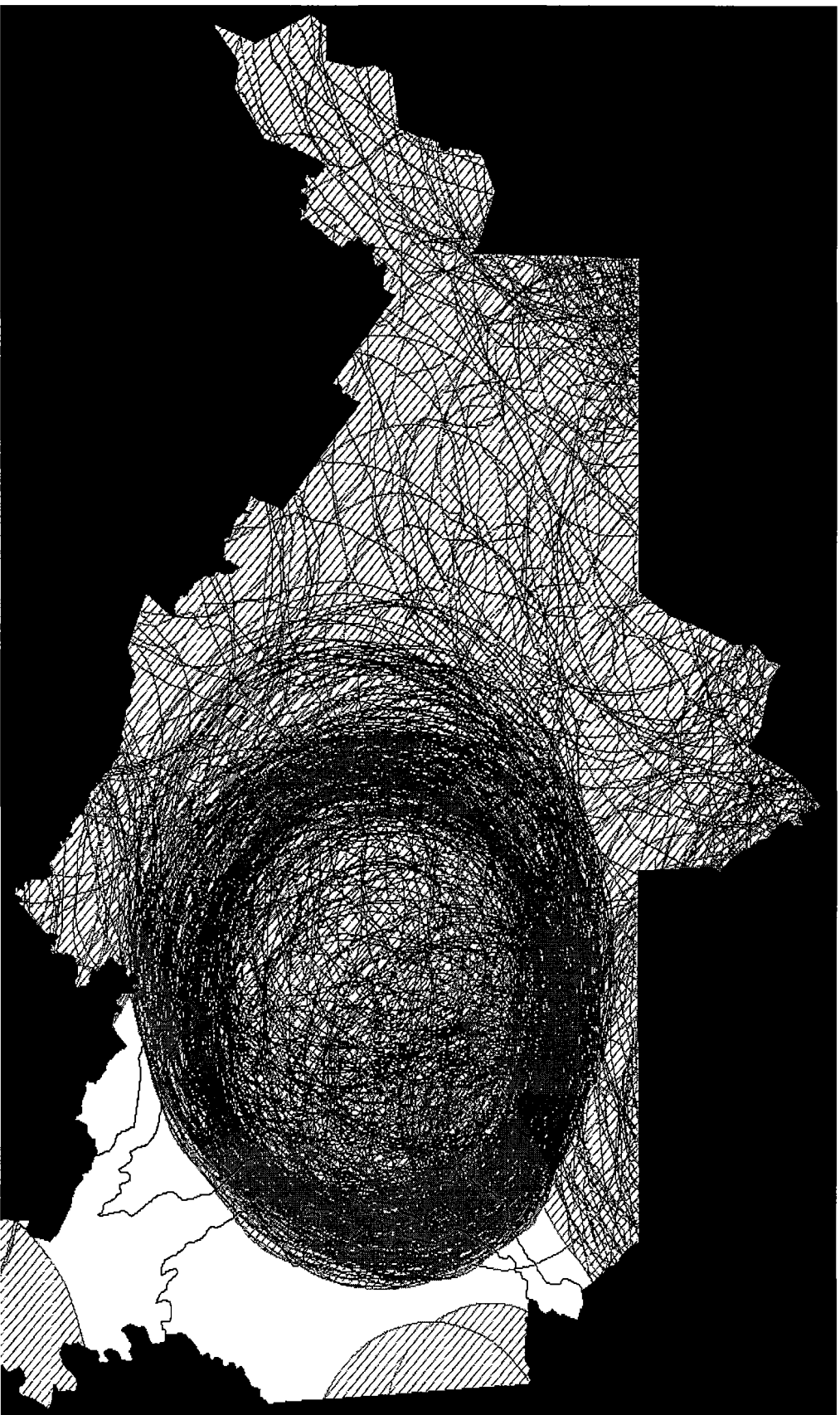
Nextel 86%
Other Incumbents 0%

NEXTEL

**Washington, DC/Baltimore EA013, Block D
(851.3375 MHz)**



**Washington, DC/Baltimore EA013, Block D
(851.3875 MHz)**



Preferred Communications Spectrum Position

Market Code	Channel Block	Market Name	# of Channels in Block	# of Other Site-Licensed Frequencies Owned in EA Not in this Block	EA in which Border Region	Total Channels
BEA048	D, DD, E	Charleston, WV-KY-OH	75	0		75
BEA162	DD, E, FF	Fresno, CA	75	0		75
BEA174	D, DD, E, EE, F	Puerto Rico & Virgin Isl.	125	not done		125
BEA165	D, DD, E	Redding, CA-OR	75	0		75
BEA015	D, EE, F, FF	Richmond-Petersburg, VA	100	0		100
BEA017	D,DD,E,EE,F,FF	Roanoke, VA-NC-WV	150	0		150
BEA164	D, E, FF	Sacramento-Yolo, CA	75	0		75
BEA163	E	San Francisco-Oakland-San Jose	25	0		25
BEA016	D,DD,E,EE,F,FF	Staunton, VA-WV	150	0		150
BEA013	D, EE, F, FF	Washington-Baltimore, DC-MD-VA	100	0		100

Others – Skitronics and ARC (Coastal)

- Skitronics has NO channels between 1-120 and thus, does not require relocation under the FCC's Report and Order.
- ARC (Coastal) combined with Preferred in Richmond would be windfall upgrade.

Market Code	Channel Block	Market Name	# of Channels in Block	# of Other Site-Licensed Frequencies Owned in EA Not in this Block	EA in which Border Region	Total Channels
BEA048	J, Q	Charleston, WV-KY-OH	10	0		10
BEA024	J	Columbia, SC	5	0		5
BEA022	R	Fayetteville, NC	5	14		19
BEA021	H, R	Greenville, NC	10	31		41
BEA025	M, T	Wilmington, NC-SC	10	19		29
BEA026	L, S	Charleston-North Charleston, S	10	0		10
BEA022	FF, H	Fayetteville, NC	30	0		30
BEA018	Q, S, V	Greensboro-Winston-Salem-High	15	0		15
BEA021	FF, K	Greenville, NC	30	10		40
BEA020	EE, I, S	Norfolk-Virginia Beach-Newport	35	24		59
BEA019	K, L, U	Raleigh-Durham-Chapel Hill, NC	15	0		15
BEA015	E, H, Q, S	Richmond-Petersburg, VA	40	0		40
BEA017	K, L	Roanoke, VA-NC-WV	10	0		10
BEA014	F, R, T	Salisbury, MD-DE-VA	35	4		39
BEA016	K, Q	Staunton, VA-WV	10	0		10
BEA025	FF	Wilmington, NC-SC	25	0		25